



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q79228

Masahiro FUJIWARA, et al.

Appln. No.: 10/761,407

Group Art Unit: 1773

Confirmation No.: 3317

Examiner: Hoa T. LE

Filed: January 22, 2004

For: MESOPOROUS INORGANIC MATERIALS HAVING CONTROLLED-RELEASE ON-OFF CONTROL FUNCTION, PRODUCTION METHOD THEREOF AND METHOD USING SAME

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Terminal Disclaimer in the above-identified application. A check in the amount of \$130.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this Submission is attached.

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 31, 2005

Respectfully submitted,

Fang Liu
Registration No. 51,283



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Sir:

The undersigned, on behalf of the petitioner, NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE AND TECHNOLOGY, represents that the petitioner, NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE AND TECHNOLOGY is the owner of the entire right, title and interest of U.S. Application No. 10/421,697 filed on April 24, 2003, for MESOPOROUS SILICA HAVING CONTROLLED-RELEASE ON-OFF CONTROL FUNCTION, PRODUCTION METHOD THEREOF AND METHOD USING THE SAME by virtue of an Assignment from all of the inventors thereof executed on April 23, 2003, recorded on May 12, 2003, at Reel 014058 Frame 0848, as well as the entire right, title and interest in the above-captioned U.S. Application No. 10/761,407 by virtue of an Assignment from all of the inventors thereof executed on January 21, 2004, recorded on June 28, 2004, at Reel 015515, Frame 0679.

Petitioner hereby certifies that the above-mentioned Assignments have been reviewed and to the best of petitioner's knowledge and belief, title is in petitioner who is seeking to take this action.

Petitioner hereby disclaims the terminal part of any patent granted on the above-captioned U.S. Application No. 10/761,407 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of U.S. Application No. 10/421,697, and hereby agrees that any patent so granted on the above-captioned U.S. Application No. 10/761,407 shall be enforceable only for and during such period that the legal title to U.S. Application No. 10/421,697 shall be the same as the legal title to said patent issuing from the above-captioned U.S. Application No. 10/761,407, this agreement to run with any patent granted on the above-captioned U.S. Application No. 10/761,407 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-captioned U.S. Application No. 10/761,407 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Application No. 10/421,697 in the event that U.S. Application No. 10/421,697 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a Reexamination Certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

TERMINAL DISCLAIMER
U.S. Application No.: 10/761,407

Attorney Docket: Q79228

The undersigned is an attorney of record.

Respectfully submitted,



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